

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Doug Bayne,)	C/A No.: 4:11-373-TLW-SVH
)	
Plaintiff,)	
)	
vs.)	
)	REPORT AND RECOMMENDATION
VF Corporation, VF Outdoor Inc., and)	
Vans Inc.)	
)	
Defendants.)	
)	

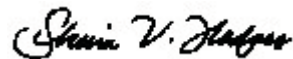
This matter comes before the court on the joint motion of the parties to stay the action in order for the parties to pursue final and binding arbitration of all claims asserted in accordance with an arbitration agreement. [Entry #11]. Defendants previously filed a motion to dismiss, or in the alternative, to compel arbitration. [Entry #6]. The court is now informed that Plaintiff consents as well to transferring his claims against Defendants to binding arbitration before a mutually-agreeable arbitrator.

Because the parties consent to final and binding arbitration, a stay of this matter appears unnecessary. Rather, it is recommended that the case be dismissed based upon the consent of all parties to the action to transfer all claims between them to binding arbitration. The parties would be allowed all discovery allowed by the Federal Rules of Civil Procedure according to a schedule established by the parties and the arbitrator. The parties would have the right to present any claim they have made or could have made in this court before the arbitrator, and the parties would be entitled to all rights and remedies

that would be available in this court and pursuant to South Carolina law in their case before the arbitrator.

Finally, the undersigned recommends this court retain jurisdiction over the parties for all matters relating to this action after binding arbitration, including enforcement of any arbitration judgment rendered.¹

IT IS SO RECOMMENDED.



March 29, 2011
Florence, South Carolina

Shiva V. Hodges
United States Magistrate Judge

**The parties are directed to note the important information in the attached
“Notice of Right to File Objections to Report and Recommendation.”**

¹ If the district judge accepts this recommendation, the motion to compel arbitration would be granted and the motion to dismiss would be denied to the extent it is based on a lack of jurisdiction. [Entry #6] Additionally, the joint motion to stay [Entry #11] would be denied.